(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 2026 OF 2004

BETWEEN

1. Kishori Lal S/o Badri Prasad aged about 42 years, by caste Kumhar, resident of village Jarhi, Tehsil and District Surguja (CG).

2. Isfaque Ahmed S/o Nyajuddin aged about 35 years, by caste Musalman, r/o village Jarhi, P.H.NO.17, Tehsil Pratap Pur District Surguja (CG).

P.R. No. 1-26/09
Presented by Shri Aman Keshamwar
Dated 24-6-09

PETITIONERS

A N D

1. State of Chhattisgarh, through the Secretary Revenue, Mantralay, D.K.S.Building, Raipur (CG).

2. The Board of Revenue, through its President, Bilaspur (CG).

3. The Sub Divisional Officer, Pratap Pur District Surguja (CG).

4. Tehsildar, Pratappur, Tehsil Pratap Pur District Surguja (CG).

5. Bhuwal S/o Ajju by caste Rajwar.

6. Vanshdhari S/o Bichhu, by caste Rajwar.

7. Hansh Lal S/o Jugal by caste Rajwar.

Sl.No.4 to 7 resident of Village Jarhi, Tehsil Pratap Pur District Surguja (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the petitioners

XI-HC-22

(52)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2026/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25.08.2004 Shri Awadh Tripathi, counsel for the petitioner. Shri Utkarsh Verma, Panel Lawyer for the State. The petitioners have preferred this petition under Article 226/227 of the Constitution of India against the order dated 31.5.2004 passed by the S.D.O., Pratapur, District Sarguja and also against the arbitrary action of respondent No.2- Board of Revenue, Bilaspur. The case of the petitioners is that they had purchased an Abadi land bearing Khasra Nos. 1136/3 & 1138/2 from respondent Nos. 6 & 7 and based on the registered sale deed the names of the petitioners was mutated in the revenue records. However, respondent No.5 preferred an appeal before the S.D.O., Pratapur and learned S.D.O. vide order dated 31.05.2004 set aside the order of mutation and also passed an order to hand over the possession of the land to respondent No.5. Being aggrieved by that order the petitioners have preferred an appeal before the Board of Revenue. In that appeal arguments on admission as well as on the application for grant of stay were heard on 15.06.2004 but till date no final order is passed. In the meantime, all the materials kept by the petitioners in the hotel constructed on the disputed land have been thrown by respondent No.5. Learned counsel for the petitioners submits that learned Board of Revenue is not passing any order since 15.06.2004 and on account of that the petitioners are facing great difficulties.	

XI-HC-22

53

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	It is surprising that the arguments were heard two months back and till date no order has been passed by the Board of Revenue and on account of which the petitioners are facing great difficulties. The Board of Revenue cannot keep the file pending for indefinite period without passing any order and particularly when the arguments were heard and order reserved. In the circumstances, the Board of Revenue is directed to pass appropriate orders in the matter in accordance with law within a period of two weeks from the date of receipt of this order. A copy of this order be sent to the Chairman, Board of Revenue for taking appropriate action in the matter. With the above observation and directions, the petition stands disposed of. Consequently, M.W.P. No.1830/2004 & I.A. No.4768/2004 stand disposed of. Certified copy as per Rules. **Sd/-** **L.C. Bhadoo** **Judge**	